



# House of Representatives

General Assembly

**File No. 639**

*January Session, 2017*

Substitute House Bill No. 7260

*House of Representatives, April 18, 2017*

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING THE USE AND REGULATION OF DRONES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective October 1, 2017*) (a) For the purposes of  
2      this section:

3      (1) "Law enforcement officer" means (A) a special policeman  
4      appointed under section 29-18 of the general statutes, or (B) an officer,  
5      employee or agent of (i) the Division of State Police within the  
6      Department of Emergency Services and Public Protection, (ii) a special  
7      police force established pursuant to section 10a-156b of the general  
8      statutes, or (iii) a municipal police department; and

9      (2) "Unmanned aerial vehicle" means any contrivance used or  
10     designed for navigation of or flight in air that is power-driven and  
11     operated without the possibility of direct human intervention from  
12     within or on the contrivance.

13     (b) Except as otherwise provided by law, no person, except a law

14 enforcement officer performing his or her duties, shall operate or use  
15 any computer software or other technology, including, but not limited  
16 to, an unmanned aerial vehicle, that allows such person, when not  
17 physically present, to release tear gas or any like or similar deleterious  
18 agent or to remotely control a deadly weapon, as defined in section  
19 53a-3 of the general statutes, or an explosive or incendiary device, as  
20 defined in section 53-206b of the general statutes.

21 (c) Any person who violates subsection (b) of this section shall be  
22 guilty of a class C felony.

23 Sec. 2. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of  
24 reckless endangerment with an unmanned aerial vehicle in the first  
25 degree when, with extreme indifference to human life, such person  
26 recklessly collides an unmanned aerial vehicle into an aircraft or a  
27 motor vehicle, creating a risk of serious physical injury to another  
28 person. For purposes of this section, "recklessly" and "serious physical  
29 injury" have the same meanings as provided in section 53a-3 of the  
30 general statutes, "unmanned aerial vehicle" has the same meaning as  
31 provided in section 1 of this act, "aircraft" has the same meaning as  
32 provided in section 15-34 of the general statutes, as amended by this  
33 act, and "motor vehicle" means a passenger or commercial motor  
34 vehicle or a motorcycle, as defined in section 14-1 of the general  
35 statutes, and includes construction equipment, agricultural tractors  
36 and farm implements.

37 (b) Reckless endangerment with an unmanned aerial vehicle in the  
38 first degree is a class A misdemeanor.

39 Sec. 3. (NEW) (*Effective October 1, 2017*) (a) A person is guilty of  
40 reckless endangerment with an unmanned aerial vehicle in the second  
41 degree when such person recklessly collides an unmanned aerial  
42 vehicle into an aircraft or a motor vehicle, which creates a risk of  
43 physical injury to another person. For purposes of this section,  
44 "recklessly" and "physical injury" have the same meanings as provided  
45 in section 53a-3 of the general statutes, "unmanned aerial vehicle" has  
46 the same meaning as provided in section 1 of this act, "aircraft" has the

47 same meaning as provided in section 15-34 of the general statutes, as  
48 amended by this act, and "motor vehicle" means a passenger or  
49 commercial motor vehicle or a motorcycle, as defined in section 14-1 of  
50 the general statutes, and includes construction equipment, agricultural  
51 tractors and farm implements.

52 (b) Reckless endangerment with an unmanned aerial vehicle in the  
53 second degree is a class B misdemeanor.

54 Sec. 4. Subdivision (5) of section 15-34 of the general statutes is  
55 repealed and the following is substituted in lieu thereof (*Effective*  
56 *October 1, 2017*):

57 (5) "Aircraft" means any contrivance used or designed for  
58 navigation of or flight in air, including (A) airplanes, meaning power-  
59 driven fixed-wing aircraft, heavier than air, supported by the dynamic  
60 reaction of the air against their wings, (B) gliders, meaning heavier  
61 than air aircraft, the free flight of which does not depend principally  
62 upon a power-generating unit, and (C) rotorcraft, meaning power-  
63 driven aircraft, heavier than air, supported during flight by one or  
64 more rotors. "Aircraft" does not include an unmanned aerial vehicle, as  
65 defined in section 1 of this act.

66 Sec. 5. Subsection (a) of section 53a-189a of the general statutes is  
67 repealed and the following is substituted in lieu thereof (*Effective*  
68 *October 1, 2017*):

69 (a) A person is guilty of voyeurism when, (1) with malice, such  
70 person knowingly photographs, films, videotapes or otherwise records  
71 the image of another person (A) without the knowledge and consent of  
72 such other person, (B) while such other person is not in plain view, and  
73 (C) under circumstances where such other person has a reasonable  
74 expectation of privacy, (2) with intent to arouse or satisfy the sexual  
75 desire of such person or any other person, such person knowingly  
76 photographs, films, videotapes or otherwise records the image of  
77 another person (A) without the knowledge and consent of such other  
78 person, (B) while such other person is not in plain view, and (C) under

79 circumstances where such other person has a reasonable expectation of  
80 privacy, (3) with the intent to arouse or satisfy the sexual desire of such  
81 person, commits simple trespass, as provided in section 53a-110a, and  
82 observes, in other than a casual or cursory manner, another person (A)  
83 without the knowledge or consent of such other person, (B) while such  
84 other person is inside a dwelling, as defined in section 53a-100, and not  
85 in plain view, and (C) under circumstances where such other person  
86 has a reasonable expectation of privacy, or (4) with intent to arouse or  
87 satisfy the sexual desire of such person or any other person, such  
88 person knowingly photographs, films, videotapes or otherwise records  
89 the genitals, pubic area or buttocks of another person or the  
90 undergarments or stockings that clothe the genitals, pubic area or  
91 buttocks of another person (A) without the knowledge and consent of  
92 such other person, and (B) while such genitals, pubic area, buttocks,  
93 undergarments or stockings are not in plain view. For purposes of this  
94 subsection, "not in plain view" includes a view not otherwise  
95 obtainable that is made possible through the use of (i) technology that  
96 is electronic, as defined in section 1-331, or (ii) an unmanned aerial  
97 vehicle, as defined in section 1 of this act.

98 Sec. 6. Subdivision (8) of subsection (a) of section 54-280 of the  
99 general statutes is repealed and the following is substituted in lieu  
100 thereof (*Effective October 1, 2017*):

101 (8) "Offense committed with a deadly weapon" or "offense" means:  
102 (A) A violation of subsection (c) of section 2-1e, subsection (e) of  
103 section 29-28, subsections (a) to (e), inclusive, or (i) of section 29-33,  
104 section 29-34, subsection (a) of section 29-35, section 29-36, 29-36k, 29-  
105 37a or 29-37e, subsection (c) of section 29-37g, section 29-37j, subsection  
106 (b), (c) or (g) of section 53-202, section 53-202b, 53-202c, 53-202j, 53-  
107 202k, 53-202l, 53-202aa or 53-206b, subsection (b) of section 53a-8,  
108 section 53a-55a, 53a-56a, 53a-60a, 53a-60c, 53a-72b, 53a-92a, 53a-94a,  
109 53a-102a, 53a-103a, 53a-211, 53a-212, 53a-216, 53a-217, 53a-217a, 53a-  
110 217b or 53a-217c or section 1 of this act, or a second or subsequent  
111 violation of section 53-202g; or (B) a violation of any section of the  
112 general statutes which constitutes a felony, as defined in section 53a-

113 25, provided the court makes a finding that, at the time of the offense,  
114 the offender used a deadly weapon, or was armed with and threatened  
115 the use of or displayed or represented by words or conduct that the  
116 offender possessed a deadly weapon;

117 Sec. 7. (NEW) (*Effective October 1, 2017*) (a) For the purposes of this  
118 section:

119 (1) "Unmanned aerial vehicle" means unmanned aerial vehicle, as  
120 defined in section 1 of this act;

121 (2) "Law enforcement officer" means law enforcement officer, as  
122 defined in section 1 of this act; and

123 (3) "Law enforcement agency" means the special police appointed  
124 under section 29-18 of the general statutes, the Division of State Police  
125 within the Department of Emergency Services and Public Protection,  
126 the special police forces established pursuant to section 10a-156b of the  
127 general statutes, or any municipal police department.

128 (b) (1) No law enforcement officer shall operate an unmanned aerial  
129 vehicle, except under one or more of the following circumstances:

130 (A) A judge of the Superior Court or judge trial referee has issued a  
131 warrant in accordance with section 54-33a of the general statutes  
132 authorizing the use of an unmanned aerial vehicle;

133 (B) The individual who will be the subject of the information  
134 collected by the operation of an unmanned aerial vehicle has given  
135 advance written consent to such operation;

136 (C) The owner of the property that will be the subject of the  
137 information collected by the operation of an unmanned aerial vehicle  
138 has given advance written consent to such operation;

139 (D) The law enforcement officer has probable cause to believe that a  
140 criminal offense has been, is being or will be committed and exigent  
141 circumstances exist that make it unreasonable for the law enforcement

142 officer to obtain a warrant authorizing the use of an unmanned aerial  
143 vehicle;

144 (E) The operation is pursuant to training activities conducted by the  
145 law enforcement officer while on property owned or leased by the  
146 United States, this state or a municipality and does not occur in an area  
147 that is substantially populated; or

148 (F) The operation is used to reconstruct or document a specific crime  
149 or accident scene.

150 (2) The provisions of this subsection do not apply to (A) any  
151 property owned or leased by the federal or state or a municipal  
152 government, including, but not limited to, a public park, sidewalk or  
153 street, or (B) an individual on such property described in  
154 subparagraph (A) of this subdivision.

155 (c) An individual or privately owned property shall be considered  
156 to be the subject of information collected by the operation of an  
157 unmanned aerial vehicle if the information allows the identity of the  
158 individual or the privately owned property to be ascertained or if the  
159 law enforcement officer operating the unmanned aerial vehicle  
160 acknowledges that such individual or such property was the subject of  
161 the information.

162 (d) Information that was collected through the operation of an  
163 unmanned aerial vehicle that concerns an individual or privately  
164 owned property that was the subject of a warrant may be retained  
165 pursuant to the warrant.

166 (e) Information that was collected through the operation of an  
167 unmanned aerial vehicle pursuant to advance written consent under  
168 subparagraph (B) or (C) of subdivision (1) of subsection (b) of this  
169 section may be retained pursuant to the terms specified in such  
170 advance written consent.

171 (f) (1) Information that was collected through the operation of an  
172 unmanned aerial vehicle pursuant to subparagraph (D), (E) or (F) of

173 subdivision (1) of subsection (b) of this section that concerns an  
174 individual or privately owned property shall be reviewed by the law  
175 enforcement agency that collected the information not later than ninety  
176 days from the date of collection. The collected information shall be  
177 destroyed or modified pursuant to subdivision (2) of this subsection or  
178 retained pursuant to subdivision (3) of this subsection.

179 (2) If such information allows the identity of an individual or  
180 privately owned property to be ascertained and there is no probable  
181 cause to believe that an offense was committed by the individual or on  
182 the property, such law enforcement agency (A) shall destroy such  
183 information not later than forty-eight hours after such review, or (B)  
184 shall permanently modify such information so that the identity of such  
185 individual or such property cannot be ascertained, and, after such  
186 modification, may retain the modified information for a period of not  
187 more than five years from the date of collection and, after such  
188 retention, shall destroy the modified information.

189 (3) If such information allows the identity of an individual or  
190 privately owned property to be ascertained and there is probable cause  
191 to believe that an offense was committed by the individual or on the  
192 property, such law enforcement agency may retain such information  
193 for a period of not more than five years from the date of collection and,  
194 after such retention, shall destroy such information, except that, if a  
195 warrant is issued in accordance with section 54-33a of the general  
196 statutes based in part on such information, such information may be  
197 retained pursuant to the warrant.

198 (4) No information that was retained in violation of subdivision (2)  
199 or (3) of this subsection shall be admitted into evidence or otherwise  
200 considered by any court or agency, body or committee of this state or  
201 any municipality.

202 (g) (1) Not later than January 1, 2018, the Police Officer Standards  
203 and Training Council shall develop and promulgate a model policy  
204 that provides guidelines on the operation of an unmanned aerial  
205 vehicle by a law enforcement officer, including a weaponized

206 unmanned aerial vehicle, and the destruction, modification and  
207 retention of information collected by such operation. Upon completion  
208 of such model policy, the council shall report such policy, in  
209 accordance with the provisions of section 11-4a of the general statutes,  
210 to the joint standing committees of the General Assembly having  
211 cognizance of matters relating to the judiciary and public safety.

212 (2) Each law enforcement agency that possesses for operation an  
213 unmanned aerial vehicle or authorizes a law enforcement officer to  
214 operate an unmanned aerial vehicle shall adopt and maintain a written  
215 policy that meets or exceeds the model policy developed by the Police  
216 Officer Standards and Training Council pursuant to subdivision (1) of  
217 this subsection and that includes a process for categorizing the types of  
218 such operations, before taking possession of such unmanned aerial  
219 vehicle or not later than thirty days after a law enforcement officer  
220 operates an unmanned aerial vehicle.

221 (h) Not later than January thirty-first of each year, each law  
222 enforcement agency that operated an unmanned aerial vehicle in the  
223 preceding calendar year shall prepare a report that includes, but need  
224 not be limited to: (1) The number of times the law enforcement agency  
225 operated an unmanned aerial vehicle in the preceding calendar year,  
226 (2) the type of such operation as categorized in the policy adopted  
227 pursuant to subdivision (2) of subsection (g) of this section, (3) whether  
228 the unmanned aerial vehicle was operated pursuant to a warrant, and  
229 (4) the number of times the type of information collected through the  
230 operation of an unmanned aerial vehicle provided reasonable and  
231 articulable suspicion that a criminal offense was being committed. The  
232 law enforcement agency shall make such report available on the law  
233 enforcement agency's Internet web site or the Internet web site of the  
234 municipality served by the law enforcement agency.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2017	New section
Sec. 2	October 1, 2017	New section



Sec. 3	<i>October 1, 2017</i>	New section
Sec. 4	<i>October 1, 2017</i>	15-34(5)
Sec. 5	<i>October 1, 2017</i>	53a-189a(a)
Sec. 6	<i>October 1, 2017</i>	54-280(a)(8)
Sec. 7	<i>October 1, 2017</i>	New section

***Statement of Legislative Commissioners:***

In Section 1(b), a reference to Section 7 was deleted for accuracy; in Section 1(c), a subsection reference was amended; in Section 7, the proviso in Subsec. (b)(1)(B) was rewritten as Subsec. (b)(2) for accuracy and clarity; the Subdivs. of Subsec. (b) were redesignated as Subparas. with corresponding changes to internal references; and in Section 7(g), the language regarding categorization was added to conform with the language in Subsec. (h).

***JUD***      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Correction, Dept.; Judicial Dept. (Probation)	GF - Potential Cost	See Below	See Below
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

#### ***Municipal Impact:*** None

#### ***Explanation***

The bill creates new offenses involving usage of drones and expands other crimes to specify drone usage and results in a potential cost for violations as well as potential revenue from fines. To the extent that offenders are prosecuted for expanded offenses under this bill, potential costs for incarceration or probation supervision in the community, or judicial revenue would result. On average, it costs the state \$7,260 (including benefits) to supervise an inmate in the community as opposed to \$61,320 (including benefits) to incarcerate an offender.

The bill requires the Police Officer Standards and Training Council (POST) to create uniform regulations concerning the use of drones. There is no fiscal impact due to POST having the capacity within their normal scope of duties to create such a policy. There is also no fiscal impact from the adoption and compliance of such regulations by municipal police departments, to the extent that these policies do not explicitly require them to incur costs.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

**OLR Bill Analysis****sHB 7260*****AN ACT CONCERNING THE USE AND REGULATION OF DRONES.*****SUMMARY**

This bill criminalizes the operation or use of unmanned aerial vehicles (commonly called drones) that are weaponized, except by law enforcement officers in certain circumstances while performing their duties. The bill makes operating a weaponized drone a class C felony, punishable by up to 10 years in prison, up to a \$10,000 fine, or both; and violators must register with the deadly weapon offender registry (see BACKGROUND) (§§ 1 & 6).

The bill also:

1. establishes two degrees of reckless endangerment with a drone that are both punishable as misdemeanors (§§ 2 & 3);
2. restricts when law enforcement officers may operate drones and requires them to follow certain protocols regarding the information they receive from such use (§ 7);
3. excludes drones from the statutes governing aircraft, which include, among other things, aircraft registration, tax treatment, accident investigation, and compliance with the Uniform Aircraft Responsibility Act (§ 4);
4. specifies that, for purposes of voyeurism crimes, a victim is “not in plain view” when the view is not otherwise obtainable and is made possible by using a drone or technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities (see BACKGROUND) (§ 5);
5. requires the Police Officer Standards and Training Council

(POST) to (a) develop a model policy for drone operation, including weaponized drones, and treatment of records related to drone operations and (b) report the completed policy to the Judiciary and Public Safety committees (§ 7); and

6. requires law enforcement agencies to adopt policies that meet or exceed the policies POST develops and fulfill certain annual reporting requirements (§ 7).

EFFECTIVE DATE: October 1, 2017

## **§ 1 — WEAPONIZED DRONES**

The bill defines an “unmanned aerial vehicle” as any power-driven contrivance used or designed for navigation or flight and operated remotely from the outside (“drones”).

It creates a new crime, making it a class C felony, unless otherwise provided by law, to operate or use any computer software or other technology, including a drone, to (1) release tear gas or a similar deleterious agent or (2) remotely control a deadly weapon, explosives, or an incendiary device. (Drones so equipped are commonly described as weaponized or armed.) People convicted of this crime must register with the deadly weapon offender registry (see BACKGROUND). Failure to register is a class D felony punishable by imprisonment for up to five years, a fine of up to \$5,000, or both.

The bill allows designated law enforcement officers to use drones while performing their duties, as described below (see LAW ENFORCEMENT USE OF DRONES).

## **§§ 2 & 3 — RECKLESS ENDANGERMENT WITH A DRONE**

Under the bill, a person is guilty of reckless endangerment with a drone:

1. in the first degree, which is a class A misdemeanor, when, with extreme indifference to human life, he or she recklessly collides the drone into an aircraft or motor vehicle, creating risk of

serious physical injury to another person and

2. in the second degree, which is a class B misdemeanor, when he or she recklessly collides a drone into an aircraft or a motor vehicle, creating risk of physical injury to another person (see BACKGROUND).

For these purposes, motor vehicles include passenger and commercial vehicles, motorcycles, construction equipment, tractors, and farm implements.

By law, a class A misdemeanor is punishable by up to one year in prison, up to a \$2,000 fine, or both. A class B misdemeanor is punishable by up to six months in prison, up to a \$1,000 fine, or both.

## **§ 7 — LAW ENFORCEMENT USE OF DRONES**

The bill limits the circumstances in which law enforcement officers may operate drones, including weaponized drones, and retain the information collected by such operation. For these purposes, law enforcement officers include: (1) Department of Emergency Services and Public Protection (DESPP) -appointed special police officers for state property and (2) officers, employees, or agents of the State Police; municipal police departments; special campus police forces; and State Capitol Police. The bill specifies that these provisions do not apply to (1) government-owned or -leased property including public parks, sidewalks, or streets or (2) individuals on such property.

### ***Drone Use With A Warrant or Written Consent***

The bill permits a law enforcement officer to operate a drone only if:

1. a judge or judge trial referee has issued a warrant authorizing the drone's use or
2. the individual, or property owner, who will be the subject of the information collected by the drone's operation has given advance written consent to the operation.

A person or private property is considered to be the subject of

information collected by the drone's operation if the (1) information allows the person or property to be identified or (2) officer operating the drone acknowledges the person or property was the subject of the information.

Under the above circumstances, information collected through the drone's operation may be retained pursuant to the (1) warrant or (2) terms specified in the consent.

***Drone Use in Exigent Circumstances or for Training or Crime Reconstruction***

The bill also permits a law enforcement officer to operate a drone only if the:

1. officer has probable cause to believe that a crime has been, is being, or will be committed and exigent circumstances make it unreasonable to obtain a warrant; or
2. drone is used (a) as part of law enforcement training activities conducted on state- or federal-owned or leased land that is not substantially populated or (b) to reconstruct or document a specific crime or accident scene (however, as noted above, the bill specifies that these provisions do not apply to government-owned or -leased property).

The bill requires the law enforcement agency that collected information in those circumstances to review the information within 90 days of its collection and then take certain actions depending on whether or not there is probable cause to believe an offense was committed.

If the reviewed information allows the person or property to be identified and there is no probable cause to believe that an offense was committed, the law enforcement agency must either (1) destroy the information within 48 hours of the review or (2) permanently modify the information so that the individual or property can no longer be identified. The law enforcement agency may retain the modified

information for up to five years after it was collected and then must destroy it.

If the reviewed information allows the person or property to be identified and there is probable cause to believe that a crime was committed, the law enforcement agency may retain the information for up to five years after it was collected and then must destroy it. But if a warrant was issued in part on the information, it may be retained pursuant to the warrant.

The bill prohibits any information that was not destroyed, modified, or retained as required above to be admitted into evidence or otherwise considered by any state or local court, agency, body, or committee.

## **§ 7 — POLICIES AND REPORTING REQUIREMENTS**

### ***POST***

By January 1, 2018, the bill requires POST to develop and promulgate a model policy that provides guidelines on (1) drone operation by law enforcement officers, including weaponized drones, and (2) the destruction, modification, and retention of information collected by the operation. Upon completion, POST must report the policy to the Judiciary and Public Safety committees.

### ***Law Enforcement***

Under the bill, law enforcement agencies that possess a drone or authorize a law enforcement officer to operate a drone must adopt and maintain written policies that meet or exceed the policy POST develops (1) before taking possession of the drone or (2) within 30 days of an officer operating the drone. The policies must include a process for categorizing the types of drone operations.

By January 31<sup>st</sup> each year, the bill also requires each law enforcement agency that operated a drone in the preceding calendar year to prepare a report that includes:

1. the number of times the agency operated the drone in the



preceding year,

2. the type of operation as categorized by the agency's drone policy,
3. whether the drone was operated pursuant to a warrant, and
4. the number of times and type of information collected through the drone's operation due to a reasonable and articulable suspicion that a crime was being committed.

The law enforcement agency must make the report available on its website and the website of the municipality it serves.

## **BACKGROUND**

### ***Deadly Weapon and Deadly Weapon Offender Registry***

By law, a "deadly weapon" is a weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3).

By law, DESPP maintains a registry of people convicted, or found not guilty by reason of mental disease or defect, of an offense committed with a deadly weapon. A person must register if he or she (1) violated specified statutes or (2) committed any felony and the court finds that, at the time of the offense, the offender used a deadly weapon or was armed with and threatened to use, displayed, or represented by words or conduct that he or she possessed, a deadly weapon. Offenders must register for five years. The registry information is not a public record and is disclosable only to certain law enforcement personnel and other agencies (CGS § 54-280 et seq.).

### ***Voyeurism***

By law, a person commits the crime of voyeurism when he or she:

1. knowingly photographs, films, videotapes, or records the victim's image maliciously or to satisfy his or her or another person's sexual desire and the victim (a) is not in plain view, (b)

has a reasonable expectation of privacy under the circumstances, and (c) does not know of, or consent to, the conduct;

2. trespasses in a way that is not casual or cursory to arouse or satisfy his or her sexual desire and the victim (a) is inside a dwelling and not in plain view, (b) has a reasonable expectation of privacy under the circumstances, and (c) does not know of, or consent to, the conduct; or
3. knowingly photographs, films, videotapes, or otherwise records another person's genitals, pubic area, buttocks, or undergarments or stockings covering those areas to arouse or satisfy his or her or another person's sexual desire and the (a) genitals, pubic area, buttocks, undergarments, or stockings are not in plain view and (b) victim does not know of, or consent to, the conduct.

By law, voyeurism is either a class D or class C felony depending on the circumstances. A first offense is a class D felony, but it a class C felony if the (1) victim is under age 16 or (2) offender has a prior conviction of certain sexual crimes. Any subsequent voyeurism conviction is a class C felony. Additionally, a person convicted of the type of voyeurism that involves satisfying a person's sexual desire must, in certain circumstances, register as a sex offender for 10 years or life, depending on his or her prior convictions. Failure to register is a class D felony (CGS § 53a-189a).

### ***Reckless Action and Serious Physical Injury***

By law, a person acts "recklessly" when he or she is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregarding it constitutes a gross deviation from a reasonable person's standard of conduct in the situation (CGS § 53a-3(13)).

By law, a "serious physical injury" is a physical injury that creates a substantial risk of death or that causes serious (1) disfigurement, (2)

health impairment, or (3) loss or impairment of bodily organ function (CGS § 53a-3(4)).

***Related Bill***

SB 975 (File 415), reported favorably by the Planning and Development Committee, prohibits municipalities from regulating drones.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 34 Nay 7 (03/29/2017)